Office of The Ombudsman, Hong Kong

Policy on Access to Information

1. Preamble

1.1 The vision of the Office of The Ombudsman is to ensure that Hong Kong is served by a fair and efficient public administration which is committed to accountability, openness and quality of service. To this end, we recognise the need for the community to be well informed about this Office and the services we provide.

1.2 This Policy defines the scope of information that will be provided to the general public and sets out how the information will be made available in response to a request.

2. Provision of Information

Information to be published or made available routinely

2.1 We have published at the official website (www.ombudsman.hk) the following information:

- Information on the Office, for example, our functions and jurisdiction, our services, and performance pledges;
- Direct investigation reports and anonymised investigation reports on complaint cases;
- Publications, including annual reports, leaflets and press releases; and
- Procedures and charges for access to information.

Information to be provided on request

2.2 We handle requests for access to information of the Office along the lines of the **Government's Code on Access to Information ("the Code")** (available at https://www.cmab.gov.hk/en/access/index.htm) as appropriate under The Ombudsman Ordinance.

2.3 We will on request provide information relating to our policies, services, and other matters falling within our area of responsibility as far as feasible, except those requests for information which fall into the areas listed in Part 2 of the Code.

2.4 The Code does not affect statutory rights of access to information. Equally the Code does not affect legal restrictions on access to information whether these are statutory prohibitions, or obligations arising under common law or international agreements which apply to Hong Kong.

2.5 Under section 15(1) of The Ombudsman Ordinance, The Ombudsman and her staff shall maintain secrecy in respect of all matters that arise from any investigation or complaint made to The Ombudsman and come to their actual knowledge in the exercise of their functions. In general, complainants can request for access to the following information of their own cases:

(1) information previously provided by the complainant to this Office; and
(2) information which the Office has previously provided to the complainant.

Other than for the above-mentioned information, requests for access to information related to individual complaint cases lodged with, or enquiries made of this Office, will not be acceded to except otherwise authorised under The Ombudsman Ordinance.

2.6 Requests for access to and/or correction of an individual's own personal data held by this Office will be dealt with in accordance with the requirements of the Personal Data (Privacy) Ordinance.

3. Procedures

3.1 Requests for information made under this Policy may be made by completing the form "**Application for Access to Information**" (available at the official website and Reception Counter of the Office) and addressed to the Chief Manager of the Office:

Address : Office of The Ombudsman
30/F, China Merchants Tower, Shun Tak Centre
168-200 Connaught Road Central, Hong Kong
Fax no. : 2882 8149
Email : enquiry@ombudsman.hk

3.2 Requests will be processed in accordance with the target response times specified in the Code as follows:

(1) Where possible, information will be made available within 10 calendar days of receipt of a written request. If that is not possible, the applicant will be so advised by an interim reply within 10 calendar days of receipt of the request. The target response time will then be 21 calendar days from receipt of the request.

(2) If a request is to be refused, the applicant will be so informed within the timeframe set out in paragraph (1) above.

(3) Response may be deferred beyond 21 calendar days in exceptional circumstances (for example, to accommodate third party procedures, or the applicant fails to pay any charges levied), which should be explained to the applicant.

4. Charges

4.1 The Office will levy charges for the provision of information in order to cover the costs for the resources used. Charges are subject to revision from time to time and are announced in the official website and displayed at the Reception Counter of the Office.

4.2 Information will not be released until after the requisite payment has been made.

5. Review

5.1 Any person who believes that the Office has failed to properly handle his/her access request may ask The Ombudsman in writing to review the request by providing supporting information and arguments.

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